UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
TROTTER, SCOTT S

ART UNIT	PAPER NUMBER
3694	

MAIL DATE	DELIVERY MODE
03/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _18 September 2004_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-9_ is/are pending in the application.
   4a) Of the above claim(s) _10-20_ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☐ Claim(s) _____ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Restriction election

1.   The examiner had a phone interview on February 26, 2008 regarding restricting this application. Applicant elected Group I, claims 1-9, without traverse. Claims 1-20 are pending. Claims 10-20 are nonelected. Claims 1-9 are examined in the instant application. This restriction is made FINAL.

Specification

2.   Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 3-5, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsiounis in view of Stolfo et al. (U.S. PG-Pub 2004/0002903 A1 hereafter Stolfo the application is a continuation of an application filed 7/26/1999).

As per claim 1 Tsiounis teaches:

A process for protecting the characteristics of a transaction accessing assets in an account or information corresponding to an account, either held by an account custodian, including a credit card account, comprising the steps of:

mapping at least one identification code to at least one diversionary identification code; (*See Tsiounis paragraph 40.* The redirecting to another webpage is mapping to another webpage identification code.)

storing said mapping on an intercept system, said intercept system connected to said network and including data storage and a computer system; (*See Tsiounis Figure 3*)

when said diversionary identification code is entered into an access device, said diversionary identification code instructs said access device to route the access transaction to said intercept system; (*See Tsiounis paragraph 40*)

when said access transaction is routed to said intercept system, said intercept system compares at least one diversionary identification code to said mapping; (*See Tsiounis paragraph 45*)

wherein if said mapping indicates that said access transaction meets a masking criteria, said access transaction will be processed through said intercept system according to a set of masking instructions, wherein said masking instructions include contacting said account custodian via a network with masked transaction information. (*See Tsiounis paragraphs 96 and 88.* The customer sends the transaction information to the trusted third party that collects the payment from the account and then pays the merchant. The instructions are how the payment is to be made if absolute secrecy is required the use of a prepaid card by an anonymous customer would make for absolute anonymity.)

While Tsiounis does not explicitly teach having the trusted third party or proxy act as the vendor to be paid by the credit card company and then having the trusted third party pay the vendor but that is taught by Stolfo. (*See Stolfo paragraph 78*) Therefore it would have been obvious at the time the invention was made to use a trusted third party as an intermediary to hide transaction details from an account custodian as well as the merchant involved. As per claim 3 Tsiounis teaches:

The process for protecting the characteristics of a transaction as recited in claim 1, wherein said masking instructions include processing said transaction according to any instructions processed at said access device. (Choosing to use the third party payment system is choosing to mask the transaction. *See Tsiounis paragraph 42*)

As per claim 4 Tsiounis teaches:

The process for protecting the characteristics of a transaction as recited in claim 3, wherein said account custodian will record said intercept system as said access device. (*See Tsiounis paragraph 88*)

As per claim 5 Tsiounis teaches:

The process for protecting the characteristics of a transaction as recited in claim 3, wherein said intercept device has a plurality of locations. (*See Tsiounis Abstract.* It is on a network allowing it to provide a location to any device on that network that can connect to it.)

As per claim 9 see the rationale of claim 1 as parallel system and method claims.

5.   Claims 2, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Tsiounis in view of Stolfo and Official Notice.

       As per claim 2 Tsiounis teaches:

       The process for protecting the characteristics of a transaction as recited in claim

1, wherein said at least one identification code includes at least a portion of the

information included on the encoded magnetic stripe of a card used in financial

transactions. (*See Tsiounis paragraph 23.*)

       While Tsiounis and Stolfo teach sending many pieces of data to the trusted third

party it is not explicit about what pieces of data would be on a credit card. Official

Notice is taken that it is old and well known in the art that the encoded magnetic strip of

a card used in financial transactions includes an account number. Therefore it would

have been obvious to a person of ordinary skill in the art at the time the invention was

made to send data that is encoded on a credit card to allow a user to charge a purchase

to their credit card.

       As per claim 6 Tsiounis teaches:

       The process for protecting the characteristics of a transaction as recited in claim

3, wherein said intercept device records said instructions from said access device in an

encoded form. (*See Tsiounis paragraphs 23 and 96.*)

       While Tsiounis and Stolfo teach sending many pieces of data to the trusted third

party it is not explicit about what pieces of data would be on a credit card. Official

Notice is taken that the encoded magnetic strip of a card used in financial transactions

includes an account number. Therefore it would have been obvious to a person of

ordinary skill in the art at the time the invention was made to send data that is encoded

on a credit card to allow a user to charge a purchase to their credit card.

As per claim 7 Tsiounis teaches:

The process for protecting the characteristics of a transaction as recited in claim

6, wherein said encoded transactions may be decoded only by a password supplied to

an account holder. (*See Tsiounis paragraphs 48-51*)

As per claim 8 Tsiounis teaches:

The process for protecting the characteristics of a transaction as recited in claim

3, wherein said access device is a POS terminal for a credit card.

While Tsiounis and Stolfo do not explicitly teach having the access device be a

POS terminal Official Notice is taken that it is old and well known in the art of POS

terminals to have such terminals for credit cards where they make money based on

charging service charges therefore it would be obvious to a person of ordinary skill in

the art at the time the invention was made to be able to collect payment from a third

party payment service as taught by Tsiounis in order to increase sales and service

charges by accepting another form of payment.)

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

Applicant's disclosure:

- Zingher et al. (U.S. Pub. 2002/0038818 A1) teaches having an alternate

  response if given a specific code in place of a pin code.

7.   Examiner's Note: The Examiner has cited particular columns and line numbers

in the references as applied to the claims for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are

applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant, in preparing the

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art

or disclosed by the examiner.

8.   Any inquiry concerning this communication from the examiner should be directed

to Scott S. Trotter, whose telephone number is 571-272-7366. The examiner can

normally be reached on 8:30 AM – 5:00 PM, M-F.

9.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James P. Trammell, can be reached on 571-272-6712.

10.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11.   The fax phone number for the organization where this application or proceeding

is assigned are as follows:

        (571) 273-8300   (Official Communications; including After Final

                            Communications labeled "BOX AF")

(571) 273-6705   (Draft Communications)

/sst/
3/20/2008

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694